

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRITE SMART CORP.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Case No. 2:14-cv-00760-JRG-RSP
GOOGLE INC.,	§	
	§	
	§	
Defendant.	§	

ORDER

On June 30, 2015, the Court held a hearing on seven motions¹ raising a variety of issues (the “Pending Motions”). Prior to the hearing, the Parties met and conferred and resolved some of the issues raised in the Pending Motions. Therefore, all issues raised in the Pending Motions that are not addressed in this Order are hereby deemed abandoned. For the reasons set forth at the hearing, the Court ruled as follows on the remaining issues:

- Plaintiff’s Motion to Compel Answers to Interrogatories (Dkt. No. 57) was **GRANTED-IN-PART** as to Brite Smart’s Interrogatory No. 3. Google was **ORDERED** to supplement its response to Brite Smart’s Interrogatory No. 3 within fourteen (14) days.
- Plaintiff’s Motion to Compel Answers to Interrogatories (Dkt. No. 57) was **DENIED-IN-PART** as to Brite Smart’s Interrogatory Nos. 8 and 9; and **DENIED-IN-PART** as to Brite Smart’s Interrogatory No. 13 pursuant to the Parties’ agreement that Google would supplement its response to Interrogatory No. 13 within twenty-one (21) days.

¹ Plaintiff’s Motion to Compel Answers to Interrogatories (Dkt. No. 57); Google Inc.’s Motion to Compel Discovery (Dkt. No. 78); Plaintiff’s Motion to Compel the Production of Source Code, Documents, Interrogatory Responses and De-Designation of Protected Materials (Dkt. No. 80); Opposed Motion for Leave to Amend/Supplement Infringement Contentions (Dkt. No. 81); Google Inc.’s Motion for Leave to Supplement Invalidity Contentions (Dkt. No. 82); Google Inc.’s Motion to Compel Responses to Interrogatories and Production of Documents (Dkt. No. 116); and Plaintiff’s Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 121)

- Google Inc.'s Motion to Compel Discovery (Dkt. No. 78) was withdrawn pursuant to Brite Smart's certification that it (i) had produced all documents in its possession relating to Brite Smart's corporate form; and (ii) had produced all documents in its possession relating to Brite Smart's licensing activities.
- Plaintiff's Motion to Compel the Production of Source Code, Documents, Interrogatory Responses and De-Designation of Protected Materials (Dkt. No. 80) was **GRANTED-IN-PART** as to Brite Smart's Request for Production No. 166. The Parties were **ORDERED** to meet and confer and to designate three (3) prior litigation proceedings (the "Designated Proceedings") as responsive to Request for Production No. 166. Google was **ORDERED** to produce (i) the depositions transcripts of the damages experts; (ii) the expert reports of the damages experts; and (iii) the trial testimony transcripts of the damages experts from the Designated Proceedings. The Parties were further **ORDERED** to file by **July 6, 2015**, a joint motion with the Court that (i) lists the Designated Proceedings; and (ii) states the timeline for production.
- Plaintiff's Motion to Compel the Production of Source Code, Documents, Interrogatory Responses and De-Designation of Protected Materials (Dkt. No. 80) was **GRANTED-IN-PART** as to Brite Smart's motion to compel the de-designation of protected materials. The Court ruled that documents will not be counted toward the page limits on source code just because they contain the name of a Google filter or file that reflects a source code designation.
- Plaintiff's Motion to Compel the Production of Source Code, Documents, Interrogatory Responses and De-Designation of Protected Materials (Dkt. No. 80) was **DENIED-IN-PART** as to Brite Smart's Interrogatory No. 16; and **DENIED-IN-PART** as to Brite Smart's motion to compel the production of the source code for all Google filters.
- The Opposed Motion for Leave to Amend/Supplement Infringement Contentions (Dkt. No. 81) was **GRANTED** by agreement.
- Google Inc.'s Motion for Leave to Supplement Invalidity Contentions (Dkt. No. 82) was **GRANTED** by agreement.
- Google Inc.'s Motion to Compel Responses to Interrogatories and Production of Documents (Dkt. No. 116) was **GRANTED-IN-PART** as to Google's Interrogatory Nos. 9 and 15. Brite Smart was **ORDERED** to provide narrative responses to Interrogatory Nos. 9 and 15 within fourteen (14) days and not to rely upon Rule 33(d).
- Google Inc.'s Motion to Compel Responses to Interrogatories and Production of Documents (Dkt. No. 116) was **DENIED-IN-PART** as to Google's Interrogatory Nos. 1, 2, and 16.
- Plaintiff's Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 121) was **GRANTED** by agreement.

SIGNED this 1st day of July, 2015.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE